



Austin City Council MINUTES

For JANUARY 24, 1985 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

City Council

Ron Mullen
Mayor

John Treviño, Jr.
Mayor Pro Tem

Council Members
Mark Rose
Roger Duncan
Sally Shipman
Mark E. Spaeth
Charles E. Urdy

Jorge Carrasco
City Manager

Elden Aldridge
City Clerk

Memorandum To:

Mayor Mullen called to order the meeting of the Council scheduled for 1:00 p.m., noting the absence of Councilmember Rose.

MINUTES APPROVED

The Council, on Councilmember Shipman's motion, Councilmember Spaeth's second, approved the minutes of the meeting of December 13, 1984. (6-0 Vote, Councilmember Rose absent.)

ITEMS POSTPONED

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, postponed until January 31, 1985, consideration of the following ordinances: (6-0 Vote, Councilmember Rose absent)

1. Consider amending the Water District Procedures Ordinance (821111-K and 830203-E).
2. Consider consenting to the creation of the North Travis County Municipal Districts 1-3.

GOLD CROSS SERVICES, INC.

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, PASSED THROUGH SECOND READING ONLY an ordinance granting a franchise for transfer of persons previously sick, injured, or incapacitated on a non-emergency basis, to Gold Cross Services, Inc. in

ORDINANCE - (Continued)

accordance with Ordinance No. 790524-E. (6-0 Vote, Councilmember Rose absent.)

CONSENT RESOLUTIONS

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, adopted the following resolutions in one consent motion: (6-0 Vote, unless otherwise indicated.)

Release of Easements

Authorized release of the following easements:

- a. The 7.5' Public Utility Easements on Lots 84, 85, and 86, Block A, Beckett Meadows Section One. (Request submitted by Carlson and Dippel, Inc.)
- b. The 7.5' Public Utility Easement on Lot 1, Block A, Beckett Meadows Section II. (Request submitted by Carlson and Dippel, Inc.)
- c. A portion of the 7.5' Public Utility Easement along the side lot line of Lot 24, Block F, Maple Run Section Three, 4302 Clarno Drive. (Request submitted by Carlson and Dippel, Inc.)
- d. Two 5' Public Utility Easements on Lot 2, Preswyck Hills Commercial Area, Springdale Road at Rogge Lane. (Request submitted by Mr. Jack Chisholm)
- e. The 10' Public Utility Easements on the north property line of Lot 1, All Star Subdivision, 13900 Block U.S. 183 North. (Request submitted by Mr. Gary F. Brown)
- f. A portion of Electric Easements recorded in Volume 595, Page 86; Volume 623, Page 177; and Volume 633, Page 18, of the Travis County Real Property Records and located at 5832 U.S. 290 West. (Request submitted by Jack Holt and Associates)
- g. Two (2) Electric Easements recorded in Volume 560, Page 71, and Volume 571, Page 326, of the Williamson County Deed Records and located at McNeil Road at Los Indios Trail. (Request submitted by Schoenfeld Enterprises)

EASEMENTS - (Continued)

- h. (1) A 5' by 105' Electric and Telephone Easement recorded in Volume 470; Page 233, Deed Records of Williamson County, Texas; (2) A 5' Electric and Telephone Easement as recorded in Volume 720, Page 567, Deed Records of Williamson County, Texas; (3) An affidavit on use of utility services as recorded in Volume 698, Page 708, Deed Records of Williamson County, Texas; (4) Portions of Blanket Electric Easements in Volume 286, Page 396; Volume 288, Page 72; Volume 291, Page 157; Volume 301, Page 9, Deed Records of Williamson County, Texas, insofar as they affect said 21.44 acre tract. (Request submitted by Melanie Fadel on behalf of Venture Investment Properties)

Capital Improvements Program

Approved the following Supplemental Amendments to the Capital Improvements Program:

- a. Professional Basic Services Agreement between the City of Austin and JV5 (Architects-Engineers) for preparing and maintaining a computerized equipment planning system for the Brackenridge 2000 project - \$12,000.00. C.I.P. No. 84/84-01
- b. The contract between City of Austin and Pfluger Associates for the Fire Station at Bee Cave Woods and Honey Tree Lane - \$12,000.00 with contingencies not to exceed \$3,000.00 for programming and schematic design of a Prototypical Fire Station. C.I.P. No. 85/83-01
- c. The Professional Services Agreement between the City of Austin and the Joint Venture firms of Black & Veatch, Inc. and Tye F. Collins & Associates, Inc. for the Onion Creek Wastewater Interceptor Facilities - \$595,610.00. C.I.P. No. 73/23-11

Change Order

Approved the following Change Order, Capital Improvements Program:

In the amount of \$20,692.00 to BRB Contractors, Inc., for the Green Water Treatment Plant - 1983 Modifications and Facilities Improvements. (.22% increase of the original contract) CAPITAL IMPROVEMENTS PROGRAM No. 73/22-92.

Contracts Approved

Approved the following contracts:

- a. Bid award:
- CAPITAL IMPROVEMENTS PROGRAM - Mini Buses, Urban Transportation Department - \$279,200.00 C.I.P. No. 83/90-02
 - (1) COMMERCIAL BODY CORPORATION - Item 1 - 4 units
142 Gemblar Road Total - \$139,600.00
San Antonio, Texas
 - (2) COMMERCIAL BODY CORPORATION - Item 2 - 4 units
142 Gemblar Road Total - \$139,600.00 subject to
San Antonio, Texas approval by UMTA of Urban
Transportation Department Grant
currently in process.
- b. JOE MCDANIEL CONSTRUCTION CO., - CAPITAL IMPROVEMENTS PROGRAM -
15203 Highway 71 West Installation of Underground
Austin, Texas Electric Distribution Facilities
for Wells Branch Phase E, Section
1, Electric Utility Department
Total \$33,941.75 C.I.P. No.
84/15-01
- c. SARGENT ELECTRIC CO. OF TEXAS - CAPITAL IMPROVEMENTS PROGRAM -
4811 Cripple Creek Drive Overhead Electric Distribution
Houston, Texas Facilities at Howard Lane (IH-35
to Burnet Road) Yager Lane (IH-35
to Dessau Road), and Ben White
Boulevard (Montopolis to Burleson
Road), Electric Utility Department
Total \$78,057.17 C.I.P. No.
85/14-02
- d. B & B LANDCLEARING CO., INC. - CAPITAL IMPROVEMENTS PROGRAM -
1212 Old Bastrop Highway Installation of Underground
Austin, Texas Electric Distribution Facilities
for Anderson Mill Village South,
Electric Utility Department
Total \$43,236.20 C.I.P. No.
84/15/01
- e. ELLA CONTRACTING, INC. - CAPITAL IMPROVEMENTS PROGRAM -
8101 Cameron Road, Unit 303 Installation of Underground
Austin, Texas Electric Distribution Facilities
for Rob Roy on the Creek, Section
5, Electric Utility Department
Total \$59,939.85 C.I.P. No.
84/15-01

CONTRACTS - (Continued)

- f. BBC BROWN BOVERI, INC.
1003 Wirt Road, Suite 208
Houston, Texas
- CAPITAL IMPROVEMENTS PROGRAM -
Metalclad Switchgear, Electric
Utility Department
Total \$689,535.00 C.I.P. Nos:
85/16-12, 85/16-11, 85/16-04,
79/16-05, 85/16-05, 85/16-06,
85/16-07 & 83/16-03
- g. FRANK LIMON & SONS, INC. (MBE)
P. O. Box 6310
Austin, Texas
- CAPITAL IMPROVEMENTS PROGRAM -
Guadalupe Neighborhood Area Alley
Improvements - Group III, Public
Works Department
Total \$187,955.00 C.I.P. Nos:
83/62-81 & 83/23-04

(5-0 Vote, Mayor Pro Tem Trevino abstained because he is related to the owner, Councilmember Rose absent.)

CDBG Funds

Approved CDBG funds for Standard Rehabilitation Loans in the following amounts and authorized staff to enter into appropriate contracts:

- a. Mastercraft Construction - \$11,400.00
b. Texas Star Home Improvement - \$15,800.00
c. Mastercraft Construction - \$18,810.00
d. Texas Star Home Improvement - \$17,250.00
e. Mastercraft Construction - \$19,300.00

Application to UMTA

Authorized submission of an application to the Urban Mass Transportation Administration for the City of Austin FY 1985, Section 9 formula apportionment for Capital and Operating Assistance.

Condemnation Trial

Approved retaining Touche Ross & Company - Experts: Condemnation trial - City of Austin v. Covert.

Research Proposal

Approved for \$10,000.00 for funding a research proposal to study an Automatic Generation Control System submitted to the Electric Utility by the University of Texas at Arlington.

Item Postponed

Postponed until February 7, 1985 consideration of a resolution authorizing submission of a grant application to the Capital Area Planning Council for funding of a Child Assault Prevention Project.

Waivers Granted

Approved granting waivers from compliance with the Northwest Land Use Guidance Plan pursuant to Ordinance No. 841220-FF to certain development projects reviewed by the City Manager.

Hearing Set

Set a public hearing for February 7, 1985 at 2:30 p.m. on the following:

An application to the Urban Mass Transportation Administration for the City of Austin FY 1985, Section 9 formula apportionment for Capital and Operating Assistance.

SITE PLAN APPROVAL

The Council, on Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, waived the requirement for three readings and finally passed an ordinance, on an emergency basis, granting approval of amendment to site plan (C14-82-017). (6-0 Vote, Councilmember Rose absent)

REGIONAL WATER QUALITY

Jim Thompson, Director of Water and Wastewater, reported on Regional Water Quality. He said the League of Women Voters has requested a study. After he presented his report, which is on file in the City Clerk's office, Councilmember Shipman asked him to send a copy of it to the League of Women Voters.

EXECUTIVE SESSION

Mayor Mullen announced Council will go into an Executive Session, pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss the following matters:

- a. Board and Commission Appointments - Section 2, Paragraph g.

EXECUTIVE SESSION - (Continued)

- b. Pending Litigation, including but not limited to the following items, and action, if any, on any of the following items:
- (1) Houston Lighting and Power Company et al v. Brown and Root, et al in Matagorda County, and the City of Austin vs. Houston Lighting and Power Company in Travis County - Section 2, Paragraph e.
 - (2) Overton, et al v. City of Austin, et al (Single Member district lawsuit), Section 2, Paragraph e.
 - (3) Sierra Club v. City of Austin.

RECESS

Council recessed for executive session at 1:42 p.m. and resumed their recessed meeting at 5:25 p.m.

SINGLE MEMBER DISTRICT LAWSUIT

Mayor Mullen announced Council had reached a decision concerning the Overton, et al v. City of Austin, et al (Single-Member district lawsuit) during their executive session. Mayor Mullen said he is convinced there will be ongoing pressure to go single-member but the vote of the people on January 19, 1985 told the Council that the people do not want single member districts.

Motion

The Council, on Councilmember Spaeth's motion, Mayor Mullen's second, approved instructing the City Manager to instruct the City staff to defend the Austin City Charter concerning the method of voting for Mayor and Councilmembers. (6-0 Vote, Councilmember Rose absent.)

Mayor Pro Tem Trevino stated that if the judge rules in favor of members at-large that does not mean the Justice Department can rule on annexation. Councilmember Urdy said the decision will be made by the judge but the City Attorney must defend the Charter. Councilmember Duncan said he is convinced some day there will be single member districts but "the voters have told us what to do, therefore, the City Attorney should defend our Charter."

ZONING HEARING

Mayor Mullen announced Council would hear the zoning case scheduled for 2:15 p.m. Council heard, closed the public hearing, and directed that the foster home will continue as a non-conforming use. Council will come back with a new category after study by staff. At that time Liliado and Eloise Campos will appear again. The motion, made by Councilmember Shipman and seconded by Mayor Mullen, passed by a vote of 6-0, Councilmember Rose absent.)

C14-84 LILIADO LALO & 2004-2006 Bert
282 ELOISE CAMPOS

From "A" 1st H&A (SF-4)
To "O" 1st H&A (LO)
RECOMMENDED subject to a
maximum of 12 children,
rollback to "A" 1st H&A
when foster home ceases
operation.

valid petition 66%

NO ACTION TAKEN ON ITEM

Council took no action on an appeal from Mr. Craig B. Alter on the denial of a variance request for the Shavano Woods Subdivision (C8-84-162) by the Planning Commission.

ITEM TO COME BACK TO COUNCIL

Ms. Mary Lou Shirer's request that Council instruct the Building Inspection Department to have Diamond Shamrock submit a new and correct application for a building permit for building at Spicewood Springs Road and Mesa Drive, will be discussed further at the January 31, 1985 Council Meeting. Applicant, members of the neighborhood and staff are to meet before then to work out the problems.

CITIZENS DID NOT APPEAR

Mr. Stephen K. Stilp, who requested exemption from Ordinance No. 841206-H, did not appear. An agreement had been reached.

Mr. Martin Camp, who had requested a License Agreement for air and subsurface rights and a waiver of licensing fees for use of such rights, will appear on January 31, 1985.

Mr. Buck Pepper, who had requested approval of a site plan for Town Square (Davenport Ranch Phase 3, Section 12) did not appear before Council.

PUBLIC HEARING SET

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, set a public hearing for February 14, 1985 at 5 p.m. on the request of Ms. Dorothy Richter concerning the request for Council action on C14n-84-011. (5-0 Vote, Mayor Mullen out of the room, Councilmember Rose absent)

ELECTRIC UTILITY COMMISSION REPORT

John Moore, Electric Utility Department, presented the Electric Utility Commission report on recommendation concerning natural gas pipeline regulation.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, voted to support the recommendation of the Electric Utility Commission concerning natural gas regulation. (5-0 Vote, Councilmember Rose absent, Mayor Mullen out of the room.)

STREET VACATION

The Council, on Councilmember Spaeth's motion, Mayor Pro Tem Trevino's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating a portion of Camp Craft Road right-of-way as dedicated in Volume 7892, Page 199, of the Travis County Real Property Records. (Request submitted by Cornerstone Development Corp. on behalf of Mr. William Gurasich, Trustee)

ZONING CASE POSTPONED INDEFINITELY

The following zoning case was postponed indefinitely:

C14-84 HAZEL GULLY
324 By Donna
Kristaponis

6600 E. MLK Blvd.

From "O" & "AA" 1st H&A
(O & SF-2)
To "DL" 1st H&A (LI)
"O" 1st H&A (LO)
RECOMMENDED (as amended)
"DL" 1st H&A for 38% of the
tract, grant "O" 1st H&A
for 62% of the tract,
subject to agreement
between the staff and
applicant on materials to
be used and hours of
operation, subject to up
to 60' right-of-way from
centerline of Webberville.

STREET CLOSURE

The Council, on Councilmember Spaeth's motion, Mayor Mullen's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance permanently closing Duval Road at the Missouri Pacific Railroad tracks between Whispering Valley Drive and Dorsett Road. (Request submitted by the Public Works Department) 6-0 Vote.

ADJOURNMENT

Council adjourned its meeting at 7:45 p.m.